

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23104 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Rajesh Prasad, aged about 33 years, Male, Son of Shankar Prasad @ Shankar Prasad Kushwaha Resident of Village- Surha, P.S.- Banjariya, Dist.- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Kumari Daughter of America Prasad Resident of Villge- Bediban Madhuban, P.S.- Pipra, dist.- East Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Turkauliya (Banjariya) P.S. Case No. 588 of 2023 dated 22.05.2023 registered for the offences punishable under Sections 366A, 376, 342, 504, 506 and 304B read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged that her sister was married to the petitioner. Thereafter she was tortured physically and mentally by the petitioner due to non-fulfillment of dowry and when she was blessed with two



daughters, she was assaulted and ousted from her matrimonial home. On 09.12.2019, the petitioner killed her sister by pressing her neck while she was sleeping in her parental home and disposed of her dead body. It is further alleged that the petitioner and the co-accused persons kidnapped the informant and forcefully committed rape on her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner neither demanded any dowry nor tortured the informant. There is a delay of about three years and five months in filing the complaint case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner is the husband of the deceased who killed her on account of dowry at her parental home. The informant has also levelled direct and specific allegation of her kidnapping against the petitioner in the FIR and also as per, the educational record, the victim is a minor girl on the date of occurrence.

6. Considering the aforesaid facts and circumstances



of the case as well as the heinous nature of allegation against the petitioner, The petition is rejected and the petitioner is directed to surrender before the Court below concerned within six weeks from the date of this order and pray for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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